

**FORTY-SEVENTH LEGISLATURE
FIRST SESSION, 2005**

February 22, 2005

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE**, to whom has been referred

HOUSE BILL 731

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 3, line 13, after the dash insert the subsection designation "A."

2. On page 3, line 18, strike the quotation mark and between lines 18 and 19, insert the following subsection:

"B. In a court action involving a claim by a person insured against a title insurer:

(1) any damages awarded pursuant to the claim shall not exceed the policy limits; and

(2) the court may also award the person insured reasonable attorney fees and the costs of the litigation if:

(a) the claim by the person insured was denied by the title insurer on the grounds that the matter of the claim was not covered by the title insurance policy; and

(b) the court finds that the matter of the claim was covered by the title insurance policy."",

and thence referred to the **JUDICIARY COMMITTEE**.

Respectfully submitted,

Fred Luna, Chairman

